

C. H. Kenley, H. J. Mangum, B. A. Platt and Jas. A. Sill.

By Senator Stokes:

We, the undersigned members of the Anderson County Bar, heartily endorse the proposed legislation to centralize the Court of Criminal Appeals of this State at Austin, and join in urging that this be done.

Numerously signed.

By Senator Veale:

We, the undersigned citizens of Wichita Falls, Wichita county, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges' and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Read and referred to Judiciary Committee No. 2.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Friday, January 22, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Prayer by Rev. W. J. Joyce, Chaplain of the House of Representatives.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senators Brachfield and Meachum:

Senate bill No. 108, A bill to be entitled "An Act requiring railways and railroad corporations or lessees thereof, operating within the State of Texas, and having their repair shops in the State, to repair, renovate and rebuild and overhaul all defective or broken cars, coaches, locomotives or other equipment in the State of Texas, and prohibiting any railway or railroad corporation from sending or moving any defective cars out of the State to be repaired, renovated or rebuilt, and fixing a penalty for the violation of the provisions of this act."

Read first time, and referred to Committee on Internal Improvements.

By Senator Watson:

Senate bill No. 109, A bill to be entitled "An Act to amend Article 2466, Chapter 3, Title 45 of the Revised Statutes of 1895, so that it will hereafter read as follows, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Perkins (by request):

Senate bill No. 110, A bill to be entitled "An Act making it a criminal offense punishable by fine for any person in this State to use any vulgar, profane or indecent language over or through any telephone, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Meachum:

Senate bill No. 111, A bill to be entitled "An Act to define and regulate the practice of professional nursing, to create a board of nurse examiners for the examination of nurses, and to prescribe their qualifications, to provide for their proper registration and to fix suitable penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Bryan and Harper:

Senate bill No. 112, A bill to be entitled "An Act to make the increase, income, rents, issues and profits of the separate estate of married women also her separate estate, and authorizing conveyances to and settlement upon female persons of property to their sole and

separate use and benefit, free from the marital rights and community rights and control of their husbands."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hume:

Senate bill No. 113, A bill to be entitled "An Act to authorize the Governor to purchase for the State the papers of President Mirabeau Lamar, and making appropriation therefor."

Read first time, and referred to Finance Committee.

By Senator Perkins:

Senate bill No. 114, A bill to be entitled "An Act to amend Chapter 145 of the Acts of the Twenty-seventh Legislature, approved April 18, 1901, entitled 'An Act to create a more efficient road system for the counties in this State, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for the compensation as such road commissioners, and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts, and for the commutation of sentence for faithful service and good behavior, and defining the powers, and duties of road overseers, and to provide for the summoning of hands and teams for such road work, and the allowance of time for services of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the payment of such work by the payment of \$3, and to amend Section 6 of the amendment of same as set forth in Chapter 10, Special Laws passed by the Twenty-eighth Legislature, which became a law the 31st day of March, 1903, and providing further making this act cumulative of the General Laws now in force, and to repeal all laws in conflict with this act, so as to place Collin county within the provisions of said act, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Hudspeth, Weinert, Veale and Peeler:

Senate bill No. 115, A bill to be entitled "An Act to provide additional compen-

sation to all judges in the district courts of this State by allowing compensation for actual, necessary traveling expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senators Cofer and Harper (by request):

Senate bill No. 116, A bill to be entitled "An Act to amend Article 199, Chapter 2, Title 7, of the Penal Code of the State of Texas, and to insert in said Chapter 2, immediately following said Article 199, an article to be designated and known as Article 199a, providing that upon each conviction after the first for a violation of any of the provisions of said Article 199, as amended by the act, the punishment shall be double that prescribed."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Cofer and Meachum:

Senate bill No. 117, A bill to be entitled "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer, or train conductor, upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman, or conductor of a freight train. To punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this act."

Read first time, and referred to Judiciary Committee No. 2.

SIMPLE RESOLUTIONS.

Senator Senter offered the following resolution:

Resolved, That the President of the Senate shall be authorized and requested to assign the stenographic clerks to do the stenographic work of the several Senators, as a part of the regular work of such clerks, and that the clerks shall be required to work at night if it shall be necessary in order to perform such service.

Signed—Hudspeth, Senter, Meachum, Alexander, Veale and Thomas.

The resolution was read and adopted.

By Senator Hudspeth:

Whereas, One George Washington, a negro, has performed services for this Senate, and also has been looking after and taking care of a sick officer of this Senate, Captain D. F. Hughes, which services he has performed faithfully and efficiently; therefore, be it

Resolved, That he be allowed the sum of \$2.00 per day for ten days' services, to be paid out of the contingent expense fund of this Senate.

Signed—Hudspeth, Meachum, Watson, Harper and Brachfield.

The resolution was read and adopted.

By Senator Murray:

Be it resolved by the Senate, That all petitions and memorials be not printed in full in the Journal unless the Senator presenting same requests that it be done, but that a short synopsis be prepared by the Senator offering same, setting out such facts as in his judgment ought to be printed in the Journal.

The resolution was read and adopted.

Morning call concluded.

(President Pro Tem. Terrell in the chair.)

SENATE BILL NO. 45.

On motion of Senator Paulus, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 45, by the following vote:

Yeas—31.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 45, A bill to be entitled "An Act creating a special road law

for Lavaca county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Murray.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Murray.

Veale.

SENATE BILL NO. 105.

On motion of Senator Brachfield, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 105, by the following vote:

Yeas—30.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Veale.

On motion of Senator Brachfield, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill. (See Appendix for committee report.)

The Chair laid before the Senate, on second reading,

Senate bill No. 105, A bill to be entitled "An Act to incorporate the city of Marshall, and to grant it a new charter, and to repeal all pre-existing charters, and declaring an emergency."

On motion of Senator Brachfield, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—31.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

(Lieutenant Governor Davidson in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—31.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 23.

Senate Joint Resolution No. 1, being pending business,

Senator Senter moved that the pending business be suspended and the Senate take up, out of its order, Senate bill No. 23.

The motion prevailed by the following vote:

Yeas—21.

Adams.	Real.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—10.

Alexander.	Hayter.
Brachfield.	Holsey.
Cofer.	Mayfield.
Greer.	Stokes.
Harper.	Sturgeon.

SPECIAL COMMITTEE APPOINTMENT.

In accordance with a resolution formally adopted, the Chair here announced

the appointment of the following special committee to visit the State Orphan Home at Corsicana tomorrow:

Senators Willacy, Alexander and Holsey.

EXECUTIVE MESSAGE.

The Chair here had read to the Senate the following appointments by the Governor:

Executive Office,
State of Texas.

Austin, Texas, January 22, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

Assistant Attorney General, Felix J. McCord of Smith county.

Secretary of State, Wm. B. Townsend of Wilbarger county.

State Health Officer, Wm. M. Brumby of Harris county.

Adjutant General, James O. Newton of Milam county.

Commissioner of Insurance and Banking, Thos. B. Love of Dallas county.

State Tax Commissioner, L. T. Dashiell of Leon county.

State Revenue Agent, Wm. J. McDonald of Hardeman county.

State Purchasing Agent, Chas. B. White of Fannin county.

Game, Fish and Oyster Commissioner, Richard H. Wood of Aransas county.

Superintendent of Public Buildings and Grounds, W. C. Day of Hays county.

Board of Pardon Advisers, A. P. McKinnon of Hill county and Wm. Blakeslee of Lavaca county.

Board of Penitentiary Commissioners, Waltus H. Gill of Harris county, R. H. Hicks of Milam county and Jos. T. Mewshaw of Dallas county.

Superintendent of Penitentiaries, J. A. Herring of Madison county.

Assistant Superintendent of Penitentiary at Huntsville, Robert H. Underwood of Bell county.

Assistant Superintendent of Penitentiary at Rusk, Thos. E. Durham of Gregg county.

Financial Agent of the Penitentiary, J. C. Haynes of Karnes county.

Inspectors of the Penitentiary, J. G. Barbee of Wharton county and Sam Hawkins of Denton county.

Assistant Superintendent in Charge of the House of Correction and Reformatory, John H. Boyd of McLennan county.

Judge of the Criminal District Court of Harris and Galveston Counties, Ed R. Campbell of Harris county, who was appointed on January 2, 1909.

T. M. CAMPBELL,
Governor.

TIME SET FOR EXECUTIVE SESSION.

Here Senator Hume moved that the Senate go into executive session at 11:15 o'clock a. m. today for the purpose of acting on the above appointments by the Governor.

The motion was unanimously adopted.

SENATE BILL NO. 23.

The Chair then laid before the Senate, on second reading.

Senate bill No. 23, A bill to be entitled "An Act constituting Dallas county the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts; providing for the present judges of the Fourteenth and Forty-fourth Judicial Districts to continue to hold their offices for the term for which they were elected; the appointment of a suitable person by the Governor as judge of the Sixty-eighth Judicial District to hold until the next general election; that said courts shall not exercise criminal jurisdiction and shall exercise concurrent jurisdiction in all civil cases and proceedings of which district courts are given jurisdiction by the Constitution and laws of the State; that the present district clerk of Dallas county shall continue to hold his office for the term for which he is elected, and providing for filling vacancy should one occur in said office; providing for making up a docket for the Sixty-eighth Judicial District Court from the dockets of the other two courts, equalizing the dockets of the three courts as near as may be; prescribing how cases shall be numbered and filed in the several courts, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Hudspeth moved the previous question on the engrossment of the bill.

The motion was duly seconded, and was so ordered.

Bill read second time, and ordered engrossed.

Senator Senter moved that the con-

stitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary to suspend:

Yeas—21.

Adams.	Real.
Bryan.	Senter.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—10.

Alexander.	Hayter.
Brachfield.	Holsey.
Cofer.	Mayfield.
Greer.	Stokes.
Harper.	Sturgeon.

SENATE JOINT RESOLUTION NO. 1.

The Chair then laid before the Senate, as pending business,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment.

Pending.

EXECUTIVE SESSION.

Here the Chair announced that the time had arrived, 11:15 o'clock, for the Senate to go in executive session.

The Sergeant-at-Arms was instructed to clear the Senate Chamber of all persons except the Senators, Sergeant-at-Arms and Assistant; Doorkeeper and Assistant, and Secretary and Assistant.

The Senate then proceeded to executive session.

IN THE SENATE.

ADJOURNMENT.

On motion of Senator Meachum, the Senate adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

House Concurrent Resolution No. 2, Providing for the appointment of three members from the Senate by the Lieutenant Governor, and four members from the House of Representatives thereof, as a committee to make a full, fair and complete investigation of the present condition of the penitentiary system of this State, the management thereof and the treatment and condition of State convicts, etc.,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it be amended to read "four members from the Senate and five members from the House," and that it do pass as amended.

WEINERT, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Penitentiaries, to whom was referred

House Concurrent Resolution No. 2, Providing for the appointment of committees from the Senate and House of Representatives to make a full, fair and complete investigation into the present condition of the penitentiary system of this State, the management thereof and the treatment of and condition of State convicts, etc.,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the following substitute be adopted in lieu thereof:

Strike out all after the words "Senate Concurrent Resolution," and insert the following:

Providing for the appointment of three members of the Senate and four members of the House, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such

other places as convicts of the State may be retained, if in their judgment necessary, to the end that a thorough investigation of the penitentiary system may be made; providing for the recommendations as to the future employment of convict labor, especially with reference to the utilization of said labor on public roads; empowering the committee to summon witnesses, and administer oaths in the name of the State, and to employ expert accountants and such other help as needed. Their report, together with evidence taken to be submitted to the Legislature when complete, and providing that all expenses incurred be paid out of the contingent expense fund of the two houses.

Whereas, The penitentiary system is one of the most important departments of our State government, involving, as it does, the management and control of a large number of convicts, and the annual expenditure of vast sums of the people's money; and

Whereas, Governor Campbell in his recent message to the Legislature has recommended that an examination and investigation be made of the management and conduct of the entire system, to the end that abuses, if found, may be corrected;

Section 1. Therefore, be it resolved by the Senate of Texas, the House concurring, That a committee of three Senators be appointed by the Lieutenant Governor, and a committee of four members of the House be appointed by the Speaker, who shall constitute a committee on investigation, who shall visit the Huntsville and Rusk penitentiaries, and all other places where convicts are retained, if in their judgment necessary.

Sec. 2. They are hereby instructed to make a thorough and complete examination of the financial conditions of the penitentiary system, employing such help as may be deemed necessary to the end that a full, fair, complete and exhaustive examination be made of the entire penitentiary system covering a period from January 1, 1907, to the present time. The committee is further instructed to make an investigation of the iron industry at Rusk, and the cause of its abandonment by the State.

Sec. 3. The committee is further instructed to look into the various methods of utilizing convict labor at present, and especially are they instructed to investigate proposed methods of utilizing said labor in the construction of public highways.

Sec. 4. This committee shall have

the power to summon witnesses, in the name of the State, to appear before it under oath, and a record shall be kept of all testimony taken. The committee shall, as soon as appointed by the presiding officers of the Senate and House, respectively, meet and elect one of its members chairman, and the chairman may designate certain members of the committee to visit any or all places in the State where convicts are retained, said members making an investigation and reporting same to the full committee.

Sec. 5. The traveling, hotel and other necessary expenses incurred by the committee shall be paid out of the contingent expense fund of the two houses, each member making out an itemized account of his expenses, which must be sworn to by the member and O. K'd by the chairman of the committee.

TERRELL of McLennan.

Committee Room,

Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred

Senate Concurrent Resolution No. 5, Providing for the appointment of four members of the Senate by the Lieutenant Governor and three members of the House of Representatives by the Speaker thereof, as a committee to make a full, fair and complete investigation into the present condition of the penitentiary system of the State, the management thereof and the treatment and condition of the State convicts, etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, January 21, 1908.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 103, A bill to be entitled "An Act to amend Article 548, Chapter 9, Title 18 of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, avenues or alleys, or for the construction of water mains, supply reservoirs or a standpipe

for waterworks or sewers, etc.; to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SENTER, Chairman.

Committee Room,

Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 105, A bill to be entitled "An Act to incorporate the city of Marshall, and to grant it a new charter, and to repeal all pre-existing charters, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SENTER, Chairman.

Committee Room,

Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act making it a felony to pursue the occupation or business of selling intoxicating liquor, except as permitted by law, in any territory in this State, where the sale of intoxicating liquor has been prohibited by law; prescribing suitable punishment for the violation of this act; defining such business or pursuit, and providing rules of evidence in prosecutions arising hereunder,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,

Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 64, A bill to be entitled "An Act to amend Article 359 of the Penal Code, as amended by an act of the Thirtieth Legislature, approved April 18, 1907, defining disorderly houses, prescribing the punishment

therefor, and to prevent by the writ of injunction the violation of said act, so as to constitute a disorderly house any house or place where non-intoxicating malt liquor such as 'Frosty,' 'Ino,' 'Uno,' 'True Temperance,' or such other malt liquor is sold or kept for sale as a beverage in any county, justice precinct, city or town, or other subdivision of a county where the sale of intoxicating liquor has been or shall hereafter be prohibited by law,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,

Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 89, A bill to be entitled "An Act amending Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41 and 44 of Chapter 40 of the General Laws of the State of Texas passed at the Regular Session of the Thirtieth Legislature of Texas, relating to the organization of drainage districts, the construction and maintenance of drainage improvements, authorizing the issuance of bonds, levy and collection of taxes in payment therefor," etc.,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by adding to Section 30 of the bill the following: "The taxes levied or authorized to be levied by this act shall be a lien upon the property for which said taxes are assessed, and it shall be the duty of the commissioners court, and the said court shall have authority to fix and determine when said taxes shall mature, and upon the failure to pay said taxes when due the penalty provided by the laws of Texas for the failure to pay State and county taxes at maturity shall in every respect apply to taxes herein authorized to be assessed and levied."

Also amend the caption of the bill by inserting after the word "bonds" and before the word "repealing," in the second to the last line of the caption, the following: "Fixing a tax lien and penalty."

And to amend Section 30 by striking

out the words "to provide a maintenance and construction fund and."

HUME, Chairman.

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 80, A bill to be entitled "An Act to reorganize the Forty-seventh Judicial District, and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

WATSON, Chairman.

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 67, A bill to be entitled "An Act to reorganize the Thirty-second, Thirty-fourth and Thirty-ninth Judicial Districts, and to create the Sixty-eighth Judicial District of Texas,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following committee amendments:

Strike out all the bill relating to the Sixty-third Judicial District, and amend further by striking out Reeves county, and all that portion of the bill relating to the Thirty-fourth District.

WATSON, Chairman.

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 65, A bill to be entitled "An Act to place the State's Alamo property under the control and management of the State Superintendent of Public Buildings and Grounds, and his successors in office, and for putting said property in proper condition and

collecting rents on same, and providing an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

COFER, Chairman.

Committee Room,
Austin, Texas, January 21, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 38, A bill to be entitled "An Act creating the Metzton Independent School District in Irion county, Texas, and defining its boundaries, providing for the election of a board of trustees thereof, and prescribing their duties, powers and authority; permitting said trustees, when authorized by vote of the majority of property-owning taxpayers voting thereon, to levy and assess a tax not exceeding the maximum prescribed by the Constitution, on all property subject to taxation in said district for the purpose of purchasing and constructing public free school buildings in said district, and for the equipment and furnishing of same and acquirement of sites, and authorizing the issuance of bonds for such purposes, and providing for the collection of taxes; and to levy, assess and provide for the collection of a tax not exceeding 15 cents on the \$100 valuation of taxable property in said district for the maintenance and support of its schools; requiring and providing for an election on the proposition to levy such taxes and issue such bonds; providing for an election of the tax existing against such portion of said independent school district as was formerly embraced in the Sherwood Common School District until the extinguishment of the present bonded indebtedness of the Sherwood Common School District, and for the payment and distribution to the treasurer of said independent district of its proportionate part of all general and special tax accruing on the territory embraced in said independent district, and generally investing the Metzton Independent School District and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general law upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village

for free school purposes only under the general law, and creating and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

Senator Stokes offered the following petition from Houston and Cherokee counties:

Crockett, Texas, January 18, 1909.

To Hon. C. C. Stokes, Member of the Thirty-first Legislature:

We, the undersigned members of the Crockett bar, and citizens of Houston county, Texas, feel a deep interest in where the Court of Criminal Appeals shall meet in the future, and we most respectfully ask that you do all within your power to have same permanently located at Austin, Texas. We believe that a better library could be at their command, as well as the attorneys that had to use same while there in their legal capacity while representing their clients on appeal, and the court would and could be much better provided for. This we believe would be much better for the lawyers all over the State.

Numerously signed.

Senator Sturgeon offered a petition, same as above, numerously signed by citizens of Bonham, Texas.

By Senator Mayfield:

Oglesby, Texas, January 20, 1909.

Hon. E. B. Mayfield, Austin, Texas.

Dear Sir: We, the undersigned members of the Ballotless Legion, earnestly petition that you use your utmost endeavor to block all legislation till submission is granted.

Numerously signed.

By Senator Perkins:

McKinney, Texas, January 19, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Dear Sir: Without seeking a list of names, we, the undersigned citizens of Collin county, incidentally meeting, do hereby heartily unite in most respectfully urging you and our Representatives in the Thirty-first Legislature of Texas to do all in your power to secure the proposed submission amendment, and we beg to assure you that in so doing you will have the hearty commendation of a large part of the citizenship of the county.

Hoping that you will grant this, our request, and believing that you will do so with pleasure, we beg to subscribe ourselves,

Signed—J. C. Rhea, A. B. Mayes and fifty-three other citizens of McKinney.

By Senator Holsey:

Hon. W. R. Holsey, Austin, Texas:

We, the undersigned citizens of Kaufman county, Texas, earnestly request that you oppose the "Druggist Bill," as it is unfair and unreasonable.

We have a "medicine man" in Kaufman county doing a satisfactory business; everything that he sells is strictly guaranteed, and he is paying an occupation tax of \$150 per annum, and we think, in justice to him, his taxes should be reduced at least one-half. He is now paying more taxes than any druggist in our county.

Please do all you can to defeat said drug bill.

Numerously signed.

Senator Holsey offered the following petition, numerously signed, from citizens from Corsicana and Navarro county.

We, the undersigned customers of the J. R. Watkins Medical Co. of Winona, Minn., represented in Navarro county by W. T. Wilson, earnestly request that you vigorously oppose the druggists' bill as unfair and un-American, and oppose all other adverse legislation of whatever nature. That we are fully satisfied with the Watkins plan of selling direct to us and giving us a better quality and fresher goods at the regular price of goods of like nature bought elsewhere. That he is an honorable man, and contributes as much to the upbuilding of our country and pays as much taxes as any one of the druggists who are opposing him in trying to have this unfair tax passed. That if you repeal the present tax and make it \$100 per annum instead of \$150, it will be more fair and equitable.

By Senator Holsey:

Rice, Texas, January 13, 1909.

To the Hon. W. R. Holsey, Senator from the Ninth Senatorial District.

Dear Sir: We, your fellow citizens and constituents and voters from your district, kindly ask your honorable influence and vote at an early day in behalf of submission to the voters through legislative enactment the question of Statewide prohibition of the sale of all intoxicating liquors (except for medici-

nal, mechanical and sacramental purposes).

Numerously signed.

By Senator Hayter:

Bridgeport, Texas, January 20, 1909.

To the Honorable Legislature of Texas.

Gentlemen: We, Democratic citizens of Wise county, and members of the Bridgeport Statewide Prohibition Club, numbering a membership of 204 qualified voters, having noticed through the daily press that a number of Democratic members of both houses of the Legislature are refusing to carry out the instructions of the Democratic party in convention assembled at San Antonio, Texas, in its demand to submit to the people of Texas an amendment for Statewide prohibition of the liquor traffic, and that they are obstructing the will of the people, and are pursuing a course that is disruptive of the Democratic party.

We, therefore, beg of our representatives in both House and Senate that they remain true to the Democratic party, regardless of whether they personally favor or oppose Statewide prohibition, and vote for the submission of the question to the people of Texas, as the Democratic party in convention duly assembled has dictated.

We have deplored the subterfuge that some Democratic members have resorted to in the interest of the liquor traffic in claiming that county and district instructions supersede the mandate of the whole party in convention assembled. Such pleas are only intended to cloak with a shadow of plausibility their wanton betrayal of the Democratic party in the interest of the greatest curse that afflicts our people. Their county and district instructions were heard and considered by the whole party at San Antonio convention, and the decision of the party was for the submission of the prohibition amendment to the people. If the majority rules, then they are honor bound to sustain the action of the Democratic State Convention. If they refuse to do so, then they have violated their party trust and betrayed the party whose honors and confidence they have sought and obtained. It is an embezzlement of power.

We urge our own representatives, together with every true Democratic member of the Legislature, to oppose by every honorable means those who would pervert the will of the Democratic party. The paramount issue has ceased to be

the submission of the prohibition amendment, but it is whether the Democratic party of Texas shall maintain its integrity, and whether or not its authority shall stand. We appeal to you to stand by the grand old party that has been the bulwark of our liberties, and thwart those who seek its disruption.

W. E. GREEN,

President.

ORION PROCTOR,

Secretary.

Senator Cofer offered a lengthy petition by the First Quarterly Conference of the Methodist Episcopal Church, South, of Gainesville, in favor of legislation against Sabbath desecration and race-track gambling; and also endorsing Governor Campbell's work in enforcing the State laws. In said petition said body puts itself on record in strong terms in favor of said measures proposed in the Legislature of the State of Texas, and is signed by Guy F. Jones, chairman, and others.

Senator Cofer offered a petition of the citizens of Hood, Cooke county, Texas, and vicinity, in favor of the garnishment law being changed so as to permit a percentage of wages to be garnisheed in favor of creditors.

Numerously signed.

Senator Cofer offered the following petition, signed by about 1500 citizens of different parts of the State:

Whereas, The Sabbath day is essential to the perpetuity of our civilization, the health and morals of our citizens; and

Whereas, The present laws of Texas are defective and inadequate; therefore, we, the undersigned citizens of the State of Texas, hereby petition the ensuing Legislature to change the present law.

1. That the penalty for the violation of this law shall be increased so as to eliminate fairs, shows and races of all kinds, or any kind of an entertainment where an admission fee or compensation is charged or received.

2. When any public carrier makes a rate on Sunday, the same rate shall be made on some other day of the week.

Senator Ward offered the following petitions:

Waxahachie, Texas, January 19, 1909.

Hon. Pierce B. Ward, Austin, Texas:

We, the undersigned citizens of Waxahachie, having heard of the present status of the submission question in the

Senate, and knowing that every means is being used to defeat such measure, would hereby urge you to block all legislation by all means in your power till such time when they will be ready to give the people submission.

P. S.—We are not unmindful of your stand on this important question, but wish to assure you of our earnest support in your efforts in behalf of submission.

Numerously signed.

By Senator Perkins:

Plano, Texas, January 20, 1909.

Senator Tom W. Perkins:

We, the undersigned customers of the J. R. Watkins Medical Co. of Winona, Minn., represented in Collin county, Texas, by W. D. Goode, earnestly request that you vigorously oppose the druggist bill as unfair and un-American. That we are fully satisfied with the Watkins plan of selling direct to us and giving us a better quality and fresher goods at the regular price of goods of like nature bought elsewhere. That he is an honorable man, and contributes as much to the upbuilding of our country and pays as much taxes as any one of the druggists who are opposing him in trying to have this unfair tax passed. That if you repeal the present tax and make it \$100 per annum instead of \$150, it will be more fair and equitable.

Signed—T. F. Hughston, W. A. Lemmons and 272 other citizens of Collin county.

Ennis, Texas, January 19, 1909.

Petition to Senator Ward and Representatives Anderson and Stepter:

We, the undersigned voters in Ellis county, most respectfully petition our legislators, Hon. Pierce B. Ward and Hons. Anderson and Stepter, that you use every honorable means toward the passage of the submission bill as authorized in the recent primary and embodied in the Democratic platform at San Antonio.

We urge that this be done even to the blocking of all other legislation, till the will of the people of the State of Texas be carried out. We expect you to do your duty, and pledge ourselves to stand with you at all hazards.

Numerously signed.

TENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, January 25, 1909

Senate met pursuant to adjournment, President Pro Tem. Terrell of Bowie presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Real.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

PETITIONS AND MEMORIALS.

See Appendix for same.

STANDING COMMITTEE REPORTS.

See Appendix for all standing committee reports.

BILLS AND RESOLUTIONS.

By Senator Perkins (by request):

Senate bill No. 118, A bill to be entitled "An Act to amend Article 480 of the Criminal Code in regard to the obstruction or injury of public roads, highways and bridges."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Alexander (by request):

Senate bill No. 119, A bill to be entitled "An Act prohibiting railroad corporations and receivers thereof and other persons, firms and associations of persons engaged as a common carrier in the transportation of persons for hire